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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,016	05/19/2006	Manuele Caon	1340-034	3963
47888	7590	01/08/2008	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			SANTOS, ROBERT G	
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/563,016	CAON, MANUELE
	Examiner Robert G. Santos	Art Unit 3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12/28/05, 5/19/06 and on 1/22/07.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070122</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 85/02987 to Haapasalo. As concerns claim 1, Haapasalo shows the claimed limitations of a bed plane comprising a plurality of slats (2) arranged transversely along at least a portion of a frame (1, 13) of the bed plane and connected thereto through slat-holders, characterized in that a series of stems or pistons (14) each being connected with one or more of the slats and associated with at least one respective elastic sliding element (6), each stem or piston being fixed to at least one first pulley or sliding guide (3, 5) for the transmission of motion, due to the interposition of flexible members (4) connected to the frame, so that the stems or pistons react to the pressures exerted by a body lying down on the bed plane, compensating for the sinking created by the heaviest parts of the body with an upward thrust supporting the lighter parts of the body (as shown in Figures 1-3 and as described on page 4, lines 14-29 and on page 5, lines 1-3). With regards to claim 2, the reference further discloses a condition wherein the frame comprises a central bearing body (1, 13) from which the stems or pistons project and the slats are connected to the top end of the stems or pistons through balancing joints (17), the slats being arranged transversely to the plane (see Figures 2, 3, 5 & 7; page 5, lines 27-29 and page 6, lines 1-7). As

concerns claim 3, the reference is considered to show a condition wherein the stems or pistons (14) are connected at the top to a support beam (16) which is in turn connected to a pair of flexible slats (2) through balancing joints (17) in Figures 2, 5 & 7 and on page 7, lines 12-18. With regards to claim 4, the reference discloses a condition wherein each stem or piston has a vertical excursion which allows the bed plane to adapt to the anatomy of the body independently of the weight and configuration of the person lying down on it so that the lowering of one or more slats or portions thereof corresponds to the raising of other slats of the bed plane (see Figures 2, 3, 5, 7 & 8). As concerns claim 5, the reference is considered to show a condition wherein frame is constructed in an underlying position and is smaller in size than the slats and in which the slats define the perimeter of the bed plane in Figure 1. With regards to claim 6, the reference further discloses the use of pulleys of sliding guides (3) for the transmission of motion each being fixed to the top end of the frame and arranged at a predetermined distance between one stem and the next (see Figure 2). As concerns claim 7, the reference is considered to show a condition wherein the stems or pistons are arranged in a central portion of the frame and/or the bed plane in Figure 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haapasalo '987 in view of Swiss Pat. No. 663339 to Fehlmann. Haapasalo does not specifically disclose a condition wherein the bed plane has articulated portions. Fehlmann provides the basic teaching of a bed plane comprising a plurality of slats (4) and articulated portions (1, 3). The skilled artisan would have found it obvious at the time the invention was made to provide the bed plane of Haapasalo with articulated portions in order to provide enhanced user comfort and support.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Caon '531, Lutchansky '376, Regan et al. '190 and Aschwanden et al. '622.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
January 4, 2008